

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

VLSI TECHNOLOGY LLC,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Lead case: 1:19-cv-977-ADA

(*Consolidated with* Nos. 6:19-cv-254-
ADA, 6:19-cv-255-ADA, 6:19-cv-256-
ADA)

UNOPPOSED MOTION FOR LEAVE TO AMEND
INTEL'S FINAL INVALIDITY CONTENTIONS

I. INTRODUCTION

Intel Corporation (“Intel”) seeks leave to amend its final invalidity contentions directed to U.S. Patent No. 7,793,025 (“the ’025 patent”). Intel contends that these amendments—to which VLSI Technology LLC (“VLSI”) has consented—address VLSI’s allegation that the ’025 patent is entitled to a priority date earlier than its filing date. Intel contends that it served these amended invalidity contentions promptly, and that Intel would be prejudiced if these amendments were not allowed. Accordingly, Intel contends that this unopposed motion should be granted. VLSI does not oppose the order sought by this motion.

II. BACKGROUND

Intel served its final invalidity contentions directed to the ’025 patent on January 31, 2020. Intel contends that, at that time, VLSI had not alleged that the ’025 patent was entitled to a priority date earlier than its filing date. On March 18, 2020, VLSI produced documents that, according to VLSI, show that the ’025 patent is entitled to a significantly earlier priority date, and VLSI amended its interrogatory responses to reflect that contention.

On June 19, 2020, Intel served VLSI with proposed amendments to Intel’s invalidity contentions in response. After correspondence between the parties and negotiations regarding the scope of the amendments, VLSI confirmed on July 18, 2020 that it does not oppose the amendments to which the parties agreed.

III. ARGUMENT

Intel contends that allowing Intel to amend its invalidity contentions would cause no undue prejudice to VLSI. However, Intel also contends there would be substantial prejudice to Intel if its amendments were denied because Intel would be left without a full opportunity to

tailor its invalidity positions to VLSI's allegation that the '025 patent is entitled to a priority date significantly earlier than its filing date.

Intel contends that it was diligent in identifying new evidence to support its amended contentions and informing VLSI of its intent to amend its contentions. Intel contends that granting Intel leave to serve these amended final invalidity contentions would not delay any deadline in this case. Accordingly, this unopposed motion should be granted.

IV. CONCLUSION

Intel respectfully requests that the Court grant this unopposed motion and thereby grant Intel leave to amend its invalidity contentions.

Dated: July 28, 2020

Respectfully submitted,

OF COUNSEL:

William F. Lee (*Pro Hac Vice*)
Louis W. Tompros (*Pro Hac Vice*)
Kate Saxton (*Pro Hac Vice*)
WILMER CUTLER PICKERING HALE
& DORR LLP
60 State Street
Boston, Massachusetts 02109
Tel: (617) 526-6000
Email: william.lee@wilmerhale.com
Email: louis.tompros@wilmerhale.com
Email: kate.saxton@wilmerhale.com

Gregory H. Lantier (*Pro Hac Vice*)
Amanda L. Major (*Pro Hac Vice*)
WILMER CUTLER PICKERING HALE
& DORR LLP
1875 Pennsylvania Avenue
Washington DC 20006
Tel: (202) 663-6000
Email: gregory.lantier@wilmerhale.com
Email: amanda.major@wilmerhale.com

/s/ Stephen Ravel

J. Stephen Ravel
Texas State Bar No. 16584975
KELLY HART & HALLMAN LLP
303 Colorado, Suite 2000
Austin, Texas 78701
Tel: (512) 495-6429
Email: steve.ravel@kellyhart.com

James E. Wren
Texas State Bar No. 22018200
1 Bear Place, Unit 97288
Waco, Texas 76798
Tel: (254) 710-7670
Email: james.wren@baylor.edu

Sven Stricker
Texas State Bar No. 24110418
KELLY HART & HALLMAN LLP
303 Colorado, Suite 2000
Austin, Texas 78701
Tel: (512) 495-6464
Email: sven.stricker@kellyhart.com

Attorneys for Intel Corporation

CERTIFICATE OF CONFERENCE

The parties conferred on July 24, 2020, and Plaintiff does not oppose the relief sought herein.

/s/ Stephen Ravel

J. Stephen Ravel

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of the foregoing document via the Court's CM/ECF system per Local Civil Rule CV-5 on July 28, 2020.

/s/ Stephen Ravel

J. Stephen Ravel